

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

ERNEST L. DEAN, on behalf of
themselves and others similarly
situated; ALDER HOUSE COUNCIL
COMMITTEE, a/k/a AHCC; MARIAN
GREER; JANICE POTTER; WILLIAM
SCRIVEN; MARK CARRILLO; LARRY
AGUILAR; STEPHEN WINSLOW; JOANNE
DEVORE; RON LAKE; DEBORAH
HENSON; and EMMANUEL PARRAN,

09-CV-1102-AC
ORDER

Plaintiffs,

v.

TIMOTHY JONES, incumbent Manager
of the Alder House Apartments in
his official and individual capacities;
and INCOME PROPERTY MANAGEMENT
CORPORATION, in their official and
individual capacities, a/k/a IPM,

Defendants.

BROWN, Judge.

Magistrate Judge John V. Acosta issued Findings and

Recommendation (#21) on March 2, 2010, in which he recommends this Court grant Defendants' Motion (#14) to Dismiss in its entirety with leave to *pro se* Plaintiff Ernest L. Dean to file an amended complaint to cure the deficiencies in his Complaint. The Magistrate Judge also recommends the Court deny as moot and without prejudice Defendants' Alternative Motion (#14) to Make More Definite and Certain. The matter is now before this Court pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b).

Because no objections to the Magistrate Judge's Findings and Recommendation were timely filed, this Court is relieved of its obligation to review the record *de novo*. *Britt v. Simi Valley Unified School Dist.*, 708 F.2d 452, 454 (9th Cir. 1983)(rev'd on other grounds). See also *Lorin Corp. v. Goto & Co.*, 700 F.2d 1202, 1206 (8th Cir. 1983). Having reviewed the legal principles *de novo*, the Court does not find any error.

CONCLUSION

The Court **ADOPTS** Magistrate Judge Acosta's Findings and Recommendation (#21). Accordingly, the Court **GRANTS** Defendants' Motion (#14) to Dismiss in its entirety and **DISMISSES** this matter. In light of his *pro se* status, Plaintiff Dean has leave to file an amended complaint **no later than June 1, 2010**, to cure the deficiencies in his Complaint as set out in the Findings and

Recommendation. The Court also **DENIES as moot** and **without prejudice** Defendants' Alternative Motion (#14) to Make More Definite and Certain.

IT IS SO ORDERED.

DATED this 30th day of April, 2010.

/s/ Anna J. Brown

ANNA J. BROWN
United States District Judge